

## **Marine Debris Act**

[Public Law 109–449]

[As Amended Through P.L. 119–65, Enacted December 26, 2025]

【Currency: This publication is a compilation of the text of Public Law 109-449. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. [33 U.S.C. 1951 note] SHORT TITLE.<sup>1</sup>**

This Act may be cited as the “Marine Debris Act”.

### **SEC. 2. [33 U.S.C. 1951] PURPOSE.**

The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety through the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

## **Subtitle A—NOAA and Coast Guard Programs**

### **SEC. 101. [33 U.S.C. 1952] NOAA MARINE DEBRIS PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine

<sup>1</sup> This Act was extensively amended by P.L. 119–65. Section 6(a) provides: “Sections 1 and 2 of the Marine Debris Act, sections 101, 102, and 104 of the Marine Debris Act, as redesignated by this Act, and section 133 of the Marine Debris Act, as transferred and so redesignated by this Act, are amended by striking ‘Administrator’ and inserting ‘Under Secretary’”. Such amendment should not have been made to sections 1, 2, and 102 since the stricken matter doesn’t appear. Also, in sections 101 and 104 there are several references to Administrator so the amendment instruction should have included “each place it appears”. However, the amendment has been carried out globally to these provisions in order to reflect the probable intent of Congress.

Debris Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety.

(b) PROGRAM COMPONENTS.—The Under Secretary, acting through the Program and subject to the availability of appropriations, shall—

(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

(3) undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment and methods for marking gear used in certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) the development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives;

(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Under Secretary to be severe marine debris events, including plans to—

(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture;

(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing tech-

nical assistance to expand waste management systems internationally; and

(8) in the case of an event determined to be a severe marine debris event under subsection (c)—

(A) assist in the cleanup and response required by the severe marine debris event; or

(B) conduct such other activity as the Under Secretary determines is appropriate in response to the severe marine debris event.

(c) SEVERE MARINE DEBRIS EVENTS.—At the discretion of the Under Secretary or at the request of the Governor of an affected State, the Under Secretary shall determine whether there is a severe marine debris event.

(d) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OTHER AGREEMENTS.—

(1) IN GENERAL.—The Under Secretary, acting through the Program, shall enter into cooperative agreements, contracts, and other agreements and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2.

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Under Secretary may waive all or part of a matching requirement under subparagraph (A) or (C) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(C) SEVERE MARINE DEBRIS EVENTS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be—

(i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or

(ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Under Secretary or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an

administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any State, local, or Tribal Government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) PROJECT REVIEW AND APPROVAL.—The Under Secretary shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

(6) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

(7) IN-KIND CONTRIBUTIONS.—With respect to any project carried out pursuant to a contract or other agreement entered into under paragraph (1) that is not a cooperative agreement or an agreement to provide financial assistance in the form of a grant, the Under Secretary may contribute on an in-kind basis the portion of the costs of the project that the Under Secretary determines represents the amount of benefit the National Oceanic and Atmospheric Administration derives from the project.

#### **SEC. 102. [33 U.S.C. 1953] COAST GUARD PROGRAM.**

The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States

ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including recordkeeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

**SEC. 103. [33 U.S.C. 1954] COORDINATION.**

(a) **ESTABLISHMENT OF INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.**—There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.

(b) **MEMBERSHIP.**—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

(2) the Environmental Protection Agency;

(3) the United States Coast Guard;

(4) the United States Navy;

(5) the Department of State;

(6) the Department of the Interior; and

(7) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) **MEETINGS.**—Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) **MONITORING.**—Secretary of Commerce, acting through the Under Secretary, in cooperation with the EPA Administrator, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of the Marine Plastic Pollution Research and Control Act of 1987 and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987.

(e) BIENNIAL PROGRESS REPORTS.—Biennially, the Committee, through the Chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

- (1) the status of implementation of any recommendations and strategies of the Committee and analysis of their effectiveness;
- (2) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;
- (3) a review of the National Oceanic and Atmospheric Administration program authorized by section 101, including projects funded and accomplishments relating to reduction and prevention of marine debris;
- (4) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and
- (5) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

**SEC. 104. [33 U.S.C. 1955] FEDERAL INFORMATION CLEARINGHOUSE.**

The Under Secretary, in coordination with the Interagency Committee, shall—

- (1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and
- (2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Under Secretary to be submitted under this section.

## **Subtitle B—Marine Debris Foundation**

**SEC. 111. [33 U.S.C. 1961] ESTABLISHMENT AND PURPOSES OF FOUNDATION.**

(a) ESTABLISHMENT.—There is established the Marine Debris Foundation (in this title referred to as the “Foundation”). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

- (1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the National Oceanic and Atmospheric Administration under the Marine Debris Program established under section 3 of the Marine Debris Act (33 U.S.C. 1952), and other relevant programs and agencies;
- (2) to undertake and conduct such other activities as will augment efforts of the National Oceanic and Atmospheric Ad-

ministration to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety;

(3) to participate with, and otherwise assist, State, local, and Tribal governments, Indian Tribes, foreign governments, entities, and individuals in undertaking and conducting activities to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris and its root causes on the economy of the United States, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety;

(4) subject to an agreement with the Secretary of Commerce, administer the Genius Prize for Save Our Seas Innovation as described in subtitle C; and

(5) to support other Federal actions to reduce marine debris.

**SEC. 112. [33 U.S.C. 1962] BOARD OF DIRECTORS OF THE FOUNDATION.**

(a) **ESTABLISHMENT AND MEMBERSHIP.**—

(1) **IN GENERAL.**—The Foundation shall have a governing Board of Directors (in this title referred to as the “Board”), which shall consist of the Under Secretary and 12 additional Directors appointed in accordance with subsection (b) from among individuals who are United States citizens.

(2) **REPRESENTATION OF DIVERSE POINTS OF VIEW.**—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to the assessment, prevention, reduction, and removal of marine debris.

(3) **NOT FEDERAL EMPLOYEES.**—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) **APPOINTMENT AND TERMS.**—

(1) **RECOMMENDATIONS OF BOARD REGARDING APPOINTMENTS.**—For appointments made under paragraph (2), the Board shall submit to the Under Secretary recommendations on candidates for appointment.

(2) **APPOINTMENT.**—Subject to paragraph (2), after consulting with the EPA Administrator, the Director of the United States Fish and Wildlife Service, the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, and the Administrator of the United States Agency for International Development, considering the recommendations submitted by the Board, and with the approval of the Secretary of Commerce, the Under Secretary shall appoint 12 Directors who meet the criteria established by subsection (a), of whom—

(A) at least 4 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris, which may include an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(3) TERMS.—Any Director appointed under paragraph (2) shall be appointed for a term of 6 years.

(4) VACANCIES.—

(A) IN GENERAL.—The Under Secretary shall fill a vacancy on the Board with the approval of the Secretary of Commerce.

(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

(5) REAPPOINTMENT.—An individual shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

(6) CONSULTATION BEFORE REMOVAL.—The Under Secretary may remove a Director from the Board only after consultation with the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, the Director of the United States Fish and Wildlife Service, the Administrator of the United States Agency for International Development, and the EPA Administrator and with the approval of the Secretary of Commerce.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS.—

(1) IN GENERAL.—The Board may complete the organization of the Foundation by—

(A) appointing the initial officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this title.

(2) LIMITATIONS ON APPOINTMENT.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:



(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who—

(i) shall serve, at the direction of the Board, as the chief executive officer of the Foundation; and

(ii) shall be knowledgeable and experienced in matters relating to the assessment, prevention, reduction, and removal of marine debris.

(h) CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT; REMOVAL; REVIEW.—The Board shall appoint and review the performance of, and may remove, the chief executive officer of the Foundation.

(2) POWERS.—The chief executive officer of the Foundation may appoint, remove, and review the performance of any officer or employee of the Foundation.

**SEC. 113. [33 U.S.C. 1963] RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States and abroad; and

(3) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SERVICE OF PROCESS.—The serving of notice to, or service of process upon, the agent required under subsection (a)(3), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(c) POWERS.—

(1) IN GENERAL.—To carry out its purposes under section 111, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a nonprofit corporation formed in the District of Columbia, including the power—

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

(D) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

(E) to make use of any interest or investment income that accrues as a consequence of actions taken under subparagraph (C) or (D) to carry out the purposes of the Foundation;

(F) to use Federal funds to make payments under cooperative agreements to provide substantial long-term benefits for the assessment, prevention, reduction, and removal of marine debris;

(G) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(H) to borrow money and issue bonds, debentures, or other debt instruments;

(I) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Foundation shall not be personally liable, except for gross negligence;

(J) to enter into contracts or other arrangements with, or provide financial assistance to, public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(K) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(2) NON-FEDERAL CONTRIBUTIONS TO THE FUND.—A gift, devise, or bequest may be accepted by the Foundation without regard to whether the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

(d) NOTICE TO MEMBERS OF CONGRESS.—The Foundation may not make a grant of Federal funds in an amount greater than \$100,000 unless, by not later than 15 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.

(e) COORDINATION OF INTERNATIONAL EFFORTS.—Any efforts of the Foundation carried out in a foreign country, and any grants provided to an individual or entity in a foreign country, shall be made only with the concurrence of the Secretary of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development.

(f) CONSULTATION WITH NOAA.—The Foundation shall consult with the Under Secretary during the planning of any restoration or remediation action using funds resulting from judgments or settlements relating to the damage to trust resources of the National Oceanic and Atmospheric Administration.

(g) PRINCIPAL OFFICE.—The Board shall locate the principal office of the Foundation in the National Capital Region, as such term is defined in section 2674(f)(2) of title 10, United States Code, or a coastal shoreline community.

(h) BEST PRACTICES.—

(1) IN GENERAL.—The Foundation shall develop and implement best practices for conducting outreach to Indian Tribes and Tribal Governments.

(2) REQUIREMENTS.—The best practices developed under paragraph (1) shall—

(A) include a process to support technical assistance and capacity building to improve outcomes; and

(B) promote an awareness of programs and grants available under this Act.

(i) RULE OF CONSTRUCTION.—Nothing in this Act may be construed—

(1) to satisfy any requirement for government-to-government consultation with Tribal Governments; or

(2) to affect or modify any treaty or other right of any Tribal Government.

**SEC. 114. [33 U.S.C. 1964] ADMINISTRATIVE SERVICES AND SUPPORT.**

(a) PROVISION OF SERVICES.—The Under Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses, not to exceed the current Federal Government per diem rates, for a period of up to 5 years beginning on the date of the enactment of this Act.

(b) REIMBURSEMENT.—The Under Secretary shall require reimbursement from the Foundation for any administrative service provided under subsection (a). The Under Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

**SEC. 115. [33 U.S.C. 1965] VOLUNTEER STATUS.**

The Secretary of Commerce may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of Commerce, as volunteers in the performance of the functions authorized in this title.

**SEC. 116. [33 U.S.C. 1966] REPORT REQUIREMENTS; PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.**

(a) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Energy and Commerce of the House of Representatives a report—

(1) describing the proceedings and activities of the Foundation during that fiscal year, including a full and complete statement of its receipts, expenditures, and investments; and

(2) including a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 111(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so, the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

**SEC. 117. [33 U.S.C. 1967] UNITED STATES RELEASE FROM LIABILITY.**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

**SEC. 118. [33 U.S.C. 1968] AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce to carry out this title \$10,000,000 for each of fiscal years 2021 through 2024 and \$2,000,000 for fiscal year 2025.

(2) USE OF APPROPRIATED FUNDS.—Subject to paragraph (3), amounts made available under paragraph (1) shall be provided to the Foundation to match contributions (whether in currency, services, or property) made to the Foundation, or to a recipient of a grant provided by the Foundation, by private persons, State and local government agencies, regional organizations, Indian Tribes, Tribal organizations, and foreign governments.

(3) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal funds made available under paragraph (1) may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(B) EXCEPTION.—The Secretary may allow the use of Federal funds made available under paragraph (1) to pay for salaries during the 18-month period beginning on the date of the enactment of this Act.

(b) ADDITIONAL AUTHORIZATION.—

(1) IN GENERAL.—In addition to the amounts made available under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the assessment, prevention, reduction, and removal of marine debris in accordance with the requirements of this title.

(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

(1) any expense related to litigation consistent with Federal-wide cost principles; or

(2) any activity the purpose of which is to influence legislation pending before Congress consistent with Federal-wide cost principles.

**SEC. 119. [33 U.S.C. 1969] TERMINATION OF AUTHORITY.**

The authority of the Foundation under this subtitle shall terminate on the date that is 10 years after the establishment of the Foundation, unless the Foundation is reauthorized by an Act of Congress.

## **Subtitle C—Genius Prize for Save Our Seas Innovations**

**SEC. 121. [33 U.S.C. 1971] DEFINITIONS.**

In this subtitle:

(1) **PRIZE COMPETITION.**—The term “prize competition” means the competition for the award of the Genius Prize for Save Our Seas Innovations established under section 122.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

**SEC. 122. [33 U.S.C. 1972] GENIUS PRIZE FOR SAVE OUR SEAS INNOVATIONS.**

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition—

(A) to encourage technological innovation with the potential to reduce plastic waste, and associated and potential pollution, and thereby prevent marine debris; and

(B) to award 1 or more prizes biennially for projects that advance human understanding and innovation in removing and preventing plastic waste, in one of the categories described in paragraph (2).

(2) **CATEGORIES FOR PROJECTS.**—The categories for projects are:

(A) Advancements in materials used in packaging and other products that, if such products enter the coastal or ocean environment, will fully degrade without harming the environment, wildlife, or human health.

(B) Innovations in production and packaging design that reduce the use of raw materials, increase recycled content, encourage reusability and recyclability, and promote a circular economy.

(C) Improvements in marine debris detection, monitoring, and cleanup technologies and processes.

(D) Improvements or improved strategies to increase solid waste collection, processing, sorting, recycling, or reuse.

(E) New designs or strategies to reduce overall packaging needs and promote reuse.

(b) DESIGNATION.—The prize competition established under subsection (a) shall be known as the “Genius Prize for Save Our Seas Innovations”.

(c) PRIORITIZATION.—In selecting awards for the prize competition, priority shall be given to projects that—

- (1) have a strategy, submitted with the application or proposal, to move the new technology, process, design, material, or other product supported by the prize to market-scale deployment;
- (2) support the concept of a circular economy; and
- (3) promote development of materials that—
  - (A) can fully degrade in the ocean without harming the environment, wildlife, or human health; and
  - (B) are to be used in fishing gear or other maritime products that have an increased likelihood of entering the coastal or ocean environment as unintentional waste.

**SEC. 123. [33 U.S.C. 1973] AGREEMENT WITH THE MARINE DEBRIS FOUNDATION.**

(a) IN GENERAL.—The Secretary may offer to enter into an agreement, which may include a grant or cooperative agreement, under which the Marine Debris Foundation established under subtitle B may administer the prize competition.

(b) REQUIREMENTS.—An agreement entered into under subsection (a) shall comply with the following requirements:

- (1) DUTIES.—The Marine Debris Foundation shall—
  - (A) advertise the prize competition;
  - (B) solicit prize competition participants;
  - (C) administer funds relating to the prize competition;
  - (D) receive Federal and non-Federal funds—
    - (i) to administer the prize competition; and
    - (ii) to award a cash prize;
  - (E) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—
    - (i) the administrative costs of the prize competition; and
    - (ii) the costs of a cash prize;
  - (F) in the design and award of the prize, consult, as appropriate with experts from—
    - (i) Federal agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;
    - (ii) State agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;
    - (iii) State, regional, or local conservation or post-consumer materials management organizations, the mission of which relates to the prevention of marine debris or the promotion of innovative materials;
    - (iv) conservation groups, technology companies, research institutions, scientists (including those with expertise in marine environments) institutions of higher education, industry, or individual stakeholders with an interest in the prevention of marine debris or the promotion of innovative materials;

(v) experts in the area of standards development regarding the degradation, breakdown, or recycling of polymers; and

(vi) other relevant experts of the Board's choosing;

(G) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;

(H) provide advice and consultation to the Secretary on the selection of judges under section 124 based on criteria developed in consultation with, and subject to the final approval of, the Secretary;

(I) announce 1 or more annual winners of the prize competition;

(J) subject to paragraph (2), award 1 or more cash prizes biennially of not less than \$100,000; and

(K) protect against unauthorized use or disclosure by the Marine Debris Foundation of any trade secret or confidential business information of a prize competition participant.

(2) **ADDITIONAL CASH PRIZES.**—The Marine Debris Foundation may award more than 1 cash prize in a year—

(A) if the initial cash prize referred to in paragraph (1)(J) and any additional cash prizes are awarded using only non-Federal funds; and

(B) consisting of an amount determined by the Under Secretary after the Secretary is notified by the Marine Debris Foundation that non-Federal funds are available for an additional cash prize.

(3) **SOLICITATION OF FUNDS.**—The Marine Debris Foundation—

(A) may request and accept Federal funds and non-Federal funds for a cash prize or administration of the prize competition;

(B) may accept a contribution for a cash prize in exchange for the right to name the prize; and

(C) shall not give special consideration to any Federal agency or non-Federal entity in exchange for a donation for a cash prize awarded under this section.

#### **SEC. 124. [33 U.S.C. 1974] JUDGES.**

(a) **APPOINTMENT.**—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in subsection (b), select the 1 or more annual winners of the prize competition.

(b) **DETERMINATION BY THE SECRETARY.**—The judges appointed under subsection (a) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

#### **SEC. 125. [33 U.S.C. 1975] REPORT TO CONGRESS.**

Not later than 60 days after the date on which a cash prize is awarded under this title, the Secretary shall post on a publicly available website a report on the prize competition that includes—

(1) if the Secretary has entered into an agreement under section 123, a statement by the Marine Debris Foundation that

describes the activities carried out by the Marine Debris Foundation relating to the duties described in section 123; and

(2) a statement by 1 or more of the judges appointed under section 124 that explains the basis on which the winner of the cash prize was selected.

**SEC. 126. [33 U.S.C. 1976] AUTHORIZATION OF APPROPRIATIONS.**

Of the amounts authorized under section 118(a), the Secretary of Commerce shall use up to \$1,000,000 to carry out this subtitle.

**SEC. 127. [33 U.S.C. 1977] TERMINATION OF AUTHORITY.**

The prize program will terminate after 5 prize competition cycles have been completed.

## Subtitle D—Administration

**SEC. 131. [33 U.S.C. 1981] DEFINITIONS.**

In this Act:

(1) **CIRCULAR ECONOMY.**—The term “circular economy” has the meaning given such term in section 2 of the Save Our Seas 2.0 Act (Public Law 116–224).

(2) **COASTAL SHORELINE COMMUNITY.**—The term “coastal shoreline community” means a city or county directly adjacent to the open ocean, major estuaries, or the Great Lakes.

(3) **EPA ADMINISTRATOR.**—The term “EPA Administrator” has the meaning given such term in section 2 of the Save Our Seas 2.0 Act (Public Law 116–224).

(4) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) **INTERAGENCY COMMITTEE.**—The term “Interagency Committee” means the Interagency Marine Debris Coordinating Committee established under section 5 of this Act.

(6) **MARINE DEBRIS.**—The term “marine debris” means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

(7) **MARPOL; ANNEX V; CONVENTION.**—The terms “MARPOL”, “Annex V”, and “Convention” have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(8) **NON-FEDERAL FUNDS.**—The term “non-Federal funds” means funds provided by—

- (A) a State;
- (B) an Indian Tribe;
- (C) a territory of the United States;
- (D) one or more units of local governments or Tribal organizations;
- (E) a foreign government;
- (F) a private for-profit entity;
- (G) a nonprofit organization; or
- (H) a private individual.



(12)<sup>2</sup> SEVERE MARINE DEBRIS EVENT.—The term “severe marine debris event” means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.

(9) NONPROFIT ORGANIZATION.—The term “nonprofit organization” has the meaning given such term in section 2 of the Save Our Seas 2.0 Act (Public Law 116–224).

(10) POST CONSUMER MATERIALS MANAGEMENT.—The term “post-consumer materials management” has the meaning given such term in section 2 of the Save Our Seas 2.0 Act (Public Law 116–224).

(11) PROGRAM.—The term “Program” means the Marine Debris Program established under section 3.

(13) STATE.—The term “State” means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) Indian Tribe;

(C) the District of Columbia;

(D) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(E) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

(14) TRIBAL GOVERNMENT.—The term “Tribal Government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of the enactment of the Save Our Seas 2.0 Amendments Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(15) TRIBAL ORGANIZATION.—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) UNDER SECRETARY.—The term “Under Secretary” has the meaning given such term in section 2 of the Save Our Seas 2.0 Act (Public Law 116–224).

#### **SEC. 132. [33 U.S.C. 1982] RELATIONSHIP TO OUTER CONTINENTAL SHELF LANDS ACT.**

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

<sup>2</sup>The placement of paragraph (12) (previously designated as paragraph (6)), as redesignated by section 5(a)(2) of Public Law 119–65, is so in law. There should have been an amendment instruction to transfer paragraph (12) (as redesignated) to appear before paragraph (13) (as redesignated).

**SEC. 133. [33 U.S.C. 1983] AUTHORIZATION OF APPROPRIATIONS.<sup>3</sup>**

(a) **IN GENERAL.**—There is authorized to be appropriated to the Under Secretary \$15,000,000 for each of fiscal years 2018 through 2029 for carrying out sections 101, 103, and 104, of which not more than 7 percent is authorized for each fiscal year for administrative costs.

(b) **AMOUNTS AUTHORIZED FOR COAST GUARD.**—Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to \$2,000,000 is authorized for the Secretary of the department in which the Coast Guard is operating for use by the Commandant of the Coast Guard to carry out section 4 of this Act, of which not more than 5 percent is authorized for each fiscal year for administrative costs.

**SEC. 134. [33 U.S.C. 1984] PRIORITIZATION OF MARINE DEBRIS IN EXISTING INNOVATION AND ENTREPRENEURSHIP PROGRAMS.**

In carrying out any relevant innovation and entrepreneurship programs that improve the innovation, effectiveness, and efficiency of the Marine Debris Program established under section 3 without undermining the purpose for which such program was established, the Secretary of Commerce, the Secretary of Energy, the EPA Administrator, and the heads of other relevant Federal agencies, shall prioritize efforts to combat marine debris, including by—

- (1) increasing innovation in methods and the effectiveness of efforts to identify, determine sources of, assess, prevent, reduce, and remove marine debris; and
- (2) addressing the impacts of marine debris on—
  - (A) the economy of the United States;
  - (B) the marine environment; and
  - (C) navigation safety.

<sup>3</sup>Section 11328(b) of Public Law 117–263 attempts to amend section 9 (subsequently redesignated as section 133 by section 4(b)(1) of Public Law 119–65), however, the reference to the amended law states “Maritime Debris Act” and should have been made to the “Marine Debris Act”. As a result, these amendments are not reflected here.